

PROPOSITION 119

ANALYSIS BY LEGISLATIVE COUNCIL

1 In 1910, the United States Congress passed the Arizona-New Mexico Enabling
2 Act, allowing Arizona to become a state. The Enabling Act granted Arizona
3 approximately 10.9 million acres of land, referred to as "state trust land". The state land
4 trust is intended to produce revenue for various public institutions (schools, colleges,
5 prisons, etc.). The state can lease or sell trust land, and the natural products (timber,
6 minerals, etc.) of the land, only to the "highest and best bidder" at public auction.

7 In 1936, Congress amended the Enabling Act to give Arizona more flexibility in
8 managing and disposing of trust land by allowing the state to exchange trust land for
9 other public or private lands. Arizona did not amend its state Constitution to incorporate
10 that authority for land exchanges. The Arizona Supreme Court has determined that
11 without amending the Arizona Constitution, the state cannot conduct land exchanges.

12 Proposition 119 would amend the Arizona Constitution to allow the state to
13 exchange state trust land for other public land in this state if the following requirements
14 are met:

- 15 1. The exchange must be in the best interest of the state land trust.
- 16 2. The purpose of the exchange must be to either assist in preserving and
17 protecting military facilities in this state from encroaching development or to improve the
18 management of state lands for the purpose of sale or lease, or conversion of state land to
19 public use.
- 20 3. There must be two independent appraisals that show that the true value of the
21 land the state receives in the exchange is equal to or greater than the true value of the
22 trust land the state conveys. There also must be two independent analyses that detail the
23 income to the state land trust before and the projected income to the trust after the
24 exchange, the financial impact of the exchange on each county, city, town and school
25 district in which the lands are located, the physical, economic and natural resource
26 impacts of the exchange on the local community and the impacts on local land uses and
27 land use plans.
- 28 4. A detailed public notice of a proposed exchange must be given, public
29 hearings must be held and an opportunity for public comment must be given.
- 30 5. A proposed exchange is not effective unless it is approved by the voters at a
31 statewide November general election.

House Engrossed Senate Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE CONCURRENT RESOLUTION 1001

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE TRUST LANDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Article X, Constitution of Arizona, is proposed to be amended by
4 adding section 12 as follows if approved by the voters and on proclamation of
5 the Governor:

6 12. Land exchanges; purposes; notice; hearings;
7 submission to the voters

8 SECTION 12. A. THE LEGISLATURE SHALL PROVIDE A PROCESS
9 BY LAW FOR EXCHANGING LANDS GRANTED OR CONFIRMED BY THE ENABLING
10 ACT FOR PUBLIC LANDS IN THIS STATE UNDER THE TERMS AND
11 CONDITIONS PRESCRIBED BY THIS SECTION.

12 B. THE PURPOSE OF THE EXCHANGE MUST BE EITHER:

13 1. TO ASSIST IN PRESERVING AND PROTECTING MILITARY
14 FACILITIES IN THIS STATE FROM ENCROACHING DEVELOPMENT.

15 2. TO IMPROVE THE MANAGEMENT OF STATE LANDS FOR THE
16 PURPOSE OF SALE OR LEASE OR CONVERSION TO PUBLIC USE OF STATE
17 LANDS.

18 C. BEFORE THE PUBLIC HEARINGS ARE HELD PURSUANT TO
19 SUBSECTION D, PARAGRAPH 3 OF THIS SECTION:

20 1. AT LEAST TWO INDEPENDENT APPRAISALS MUST BE MADE
21 AVAILABLE TO THE PUBLIC SHOWING THAT THE TRUE VALUE OF ANY LANDS
22 THE STATE RECEIVES IN THE EXCHANGE EQUALS OR EXCEEDS THE TRUE
23 VALUE OF THE LANDS THE STATE CONVEYS.

24 2. AT LEAST TWO INDEPENDENT ANALYSES OF THE PROPOSED
25 EXCHANGE MUST BE MADE AVAILABLE TO THE PUBLIC SHOWING:

26 (a) THE INCOME TO THE TRUST BEFORE THE EXCHANGE FROM ALL
27 LANDS THE STATE CONVEYS AND THE PROJECTED INCOME TO THE TRUST
28 AFTER THE EXCHANGE FROM ALL LANDS THE STATE RECEIVES.

29 (b) THE FISCAL IMPACT OF THE EXCHANGE ON EACH COUNTY,
30 CITY, TOWN AND SCHOOL DISTRICT IN WHICH ALL THE LANDS INVOLVED
31 IN THE EXCHANGE ARE LOCATED.

32 (c) THE PHYSICAL, ECONOMIC AND NATURAL RESOURCE IMPACTS
33 OF THE PROPOSED EXCHANGE ON THE SURROUNDING OR DIRECTLY ADJACENT
34 LOCAL COMMUNITY AND THE IMPACTS ON LOCAL LAND USES AND LAND USE
35 PLANS.

36 D. LAND MAY NOT BE EXCHANGED UNLESS:

37 1. THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE LAND
38 TRUST.

39 2. PUBLIC NOTICE OF THE PROPOSED EXCHANGE INCLUDES FULL
40 DISCLOSURE OF ALL DETAILS OF THE TRANSACTION, THE OWNERSHIP OF
41 ALL PARCELS OF THE LANDS INVOLVED IN THE EXCHANGE, INCLUDING
42 INDEPENDENT AND ANCILLARY PARTIES, A LEGAL AND GENERAL
43 DESCRIPTION OF THE LOCATION OF ALL PARCELS OF THE LANDS AND THE
44 APPRAISED VALUE OF ALL PARCELS OF THE LANDS.

1 3. PUBLIC HEARINGS ARE HELD AT THE STATE CAPITAL AND IN A
2 LOCATION OF GENERAL ACCESSIBILITY IN THE VICINITY OF THE STATE
3 LANDS BEING EXCHANGED. NOTICE OF THE TIME AND PLACE OF THE
4 HEARINGS MUST BE GIVEN BEGINNING AT LEAST SIX WEEKS BEFORE EACH
5 HEARING IN A MANNER PRESCRIBED BY LAW. DURING THIS PERIOD, A
6 PROCESS SHALL BE PROVIDED FOR PUBLIC COMMENT ON THE PROPOSED
7 EXCHANGE.

8 4. THE EXCHANGE IS APPROVED BY THE QUALIFIED ELECTORS OF
9 THIS STATE IN THE MANNER OF A REFERENDUM PURSUANT TO ARTICLE IV,
10 PART 1, SECTION 1 AT THE NEXT REGULAR GENERAL ELECTION. TO BE
11 APPROVED, THE PROPOSITION MUST RECEIVE AN AFFIRMATIVE VOTE OF A
12 MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE MEASURE.

13 E. LAND EXCHANGES ARE NOT CONSIDERED TO BE SALES FOR THE
14 PURPOSES OF THIS ARTICLE.

15 2. The Secretary of State shall submit this proposition to the voters
16 at the next general election as provided by article XXI, Constitution of
17 Arizona.

PASSED BY THE HOUSE APRIL 23, 2012.

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE APRIL 25, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2012.

Passed the House April 23, 2012,

Passed the Senate February 27, 2012,

by the following vote: 50 Ayes,

by the following vote: 25 Ayes,

0 Nays, 9 Not Voting 1 Vacant

5 Nays, 0 Not Voting

La M. Tal
Speaker of the House

Steve Pierce
President of the Senate

Cheryl Laube
Chief Clerk of the House

Charmaine Bellington
Secretary of the Senate

S.C.R. 1001

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.~~

~~Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 25, 20 12

by the following vote: 17 Ayes,

11 Nays, 2 Not Voting

Steve Pierce
President of the Senate

Charmian Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Resolution received by the Secretary of State

this 1st day of May, 20 12

S.C.R. 1001

at 8:10 o'clock a M.

Klu Blumett
Secretary of State